



David A. Crass

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Education

- University of Wisconsin Law School, Juris Doctor (J.D.), *cum laude*, 1991; Order of the Coif
- University of Wisconsin-Madison,

– Overview

David's practice sits squarely at the intersection of the food-water-energy nexus. His more than 30 years of work in the areas of environmental regulatory, agricultural production, manufacturing and distribution, renewable energy gives him the depth of experience necessary to counsel clients who will be feeding and powering a projected global population of nine billion people by 2050—at a time when resource scarcity and consumer confidence require an ongoing commitment to stewardship and sustainability. David is also a member of our AI Center of Excellence connecting clients with internal and external resources to responsibly meet the explosion of opportunities and challenges related to artificial intelligence.

David has more than 30 years' experience counseling clients concerning environmental and regulatory matters before myriad of federal and state regulatory bodies. Besides providing environmental, regulatory, project development, administrative and legislative counsel, David's work for clients includes enforcement defense, compliance counseling, project development, structure and permitting, litigation support, and interest-based negotiation.

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+ Experience

Environmental Due Diligence

David coordinated and directed the environmental due diligence of more than 70 operating

Bachelor of Arts (B.A.), with honors, 1988

Bar Admissions

- District of Columbia
- Wisconsin

Court Admissions

- United States District Court, Eastern District of Wisconsin
- United States District Court, Western District of Wisconsin

Community Involvement

- Co-Chair of Walk to End Alzheimer's, National Capitol Area Chapter's Executive Leadership Team, 2023
- National Co-Chair of the Alzheimer's Association Legal Industry Leadership Council, 2022 - Present
- Board of Directors of the Alzheimer's Association - National Capitol Area Chapter, 2022 - Present
- Board of Directors of the Alzheimer's Association - Wisconsin Chapter, 2019 - 2022
- Member, Alzheimer's Impact Movement (AIM) Leadership Society, 2021 - Present
- Membership, Leadership Greater Madison V, Madison Chamber of Commerce
- Board of Directors, Goodwill Industries of South Central Wisconsin, 2008-2011
- Board of Directors, Dane County Humane Society, 1997-2000

facilities and also led the negotiations on environmental risk allocation matters in the context of a \$400 million transaction. David also coordinated the environmental due diligence and led negotiations in a multi-state transaction where our client acquired five food processing plant related facilities, and in another transaction where our client sold more than 50 operating plants. David has negotiated numerous redevelopment agreements involving former landfills, manufacturing facilities and other former industrial uses.

Vapor Intrusion Issues

David led the defense of a federal and state court class action lawsuit brought against a manufacturing client alleging community-wide vapor intrusion from historic solvent handling practices. This case was ultimately resolved through a settlement of both the federal class and state class action lawsuits involving the client's insurers as part of the settlement. David worked with the client's insurers to maximize a positive resolution for the client resulting in a settlement of the underlying class action lawsuits as well as the environmental insurance coverage that arose out of the suits.

David has also defended an industrial launderer involved in a vapor intrusion case alleged to be impacting a neighborhood school and led the prompt response including the design, permit and construction of a vapor mitigation system in the school. He continues to counsel this client on emerging contaminant issues.

Administrative Contested Cases

David represented a private party in an appeal of the administrative agency's decision to deny claims from a state environmental reimbursement program. David helped his client prevail in an administrative contested case hearing where the client was determined to be eligible for nearly \$1.0 million of additional reimbursement proceeds. David has settled favorably dozens more administrative appeals. David has represented permittees in the context of administrative challenges to issued permits, both defensively and offensively.

Sediment Sites

David has assisted clients with respect to several of the largest and most challenging contaminated sediment sites in the Great Lakes Region: the Northern States Power/Ashland Lakefront Site, the Lower Fox River Polychlorinated Biphenyls (PCB) Site, the Hayton Area Remediation Project, the Neenah Slough and the Upper Trenton River Channel. David has provided clients with strategic direction concerning these sites, assisted in directing historical investment, represented clients in regulatory agency negotiations, including the negotiations of Administrative Orders on Consent and Consent Decrees, and provided day-to-day project management services for one or more of these sites.

Renewable Energy Projects

David has provided strategic counsel to numerous existing and start-up operations in the burgeoning biofuels, renewable natural gas, hydrogen, biogas and biomass industries, assisting clients in all phases of project development from feasibility analysis, transactional documentation, state and local land use approvals, to project execution, vendor contracting and more.

Environmental Services Markets

David's team has counseled clients on the establishment, qualification and contract pathway for developing environmental services markets, such as water and air quality offset markets. Paying attention to climate change, net zero initiatives, nutrient reduction projects and ES&G compliance grow (driven by consumers, supply chain, shareholders and investors), David provides historical insight and advice to project approach and revenue maximization.

Regulatory Permitting

In an era when siting large livestock operations is more difficult than ever, David assisted clients in obtaining regulatory permits (both local land use and state operating permits) for operations representing more than 750,000 dairy cows in the nation, as well as significant poultry operations. David led the negotiations on behalf of one of the nation's largest turkey producers to convert multiple permits into one master operating permit regulating dozens of facilities, representing trade associations in the development of general permits and the food industry in the negotiation of



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of standardized regulatory permit terms for wastewater discharge.

Government Relations

David has been a registered lobbyist and has represented industry trade groups, chemical manufacturers, and food producers/processors in matters before Congress, the Wisconsin Legislature and myriad of state and federal administrative agencies.

Honors & Recognitions

- *The Midwest's Best Lawyers*®, Environmental Law - Real Estate Law, 2021
 - *The Best Lawyers in America*®, Environmental Law - Real Estate Law, 2003-Present
 - Leading Natural Resources & Environmental Lawyer, *Chambers USA*, 2011-2012, 2017, 2018
 - VIP of Madison area civic-minded executives, *In Business Magazine* Annual Executive Register, 2002, 2005-2011
 - Leaders in the Law, *Wisconsin Law Journal*, 2009
 - Outstanding Service to Industry Award, Wisconsin Fertilizer and Chemical Association/V Crop Production Association, 2006
 - Madison's "Who's Who of Professionals," 2005-2006
 - Best Lawyers: Environmental Law, *Corporate Counsel*, 2003-2005
 - Best Lawyers for Environmental Law, *Madison Magazine*, 2001-2005
 - "40 Under 40" executives, *In Business Magazine*, 2002
-

Professional Activities

- Member, Michael Best Management Committee, 2009-2019; 2020-present
- General Counsel, Wisconsin Dairy Alliance, 2019-present
- Member, National Milk Producers' Federation Environmental Committee, 2005-2007; 2018-present
- General Counsel, American Dairy Coalition, 2016-present
- Chair, Michael Best Agribusiness, Food & Beverage Industry Team, 2012-present
- Advisory Board Member, Wisconsin Agribusiness Association, 2006-present
- Judge, 2018 Business Friend of the Environment Awards, Wisconsin Manufacturers & Commerce
- Member, Board of Visitors of the College of Agriculture and Life Sciences, University of Wisconsin-Madison, 2007-2011
- Member, Technical Advisory Committee on Revisions to WDNR Nonpoint Pollution Rules and NR 153, 2007-2008
- Chair, Lex Mundi Agribusiness Practice Group, 2006-2008
- Michael Best Madison Office Managing Partner, 2005-2008
- Board of Directors, Dairy Business Association of Wisconsin, 2002-2008
- Member, Industry Work Group of Governor's Task Force on Global Warming, 2007
- Member, Wisconsin Department of Natural Resources Technical Advisory Committee for of Concentrated Animal Feeding Operation Rule, 2003-2006
- Member, NRCS 590 Technical Standard Revision Work Team, 2004-2006
- Chair, Michael Best Land & Resources Practice Group, 2003-2005
- Public Member, Joint Legislative Council Special Committee on Recodification of Town & County Statutes, 2002-2003
- Member, Wisconsin Department of Agriculture's Model Ordinance Advisory Committee for Livestock Operations, 2001-2002

- Program Chair, Federation of Environmental Technologists - Madison Chapter, 1996-1998
- Member, State Bar of Wisconsin (Environmental Law Section)
- Member, Renewable Fuels Association (RFA), Environment Committee
- Past Member, Rule Advisory Committee, Wisconsin Agricultural Chemical Clean-up Program

Insights



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FDA Announces Online Tool to Access Consolidated Contaminant List in Food

By [David Crass](#)

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SCOTUS Vacates "End-Result" Requirements from NPDES Permits

By [David Crass](#)

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September 28, 2009

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